

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	Criminal No. 1:05-CR-00173-01
	:	
v.	:	(Judge Rambo)
	:	
DION CARRIER	:	(Electronically Filed)

MOTION FOR RELIEF UNDER 18 U.S.C. § 3582(c)

AND NOW comes Dion Carrier, by his attorney, Thomas A. Thornton, of the Federal Public Defenders Office, and files this Motion for Relief Under 18 U.S.C. § 3582(c). In support thereof, it is averred as follows:

1. On May 16, 2001, a Grand Jury sitting in the Middle District of Pennsylvania returned a five count Indictment charging Dion Carrier with drug trafficking. Specifically the distribution and possession with the intent to distribute cocaine base a/k/a “crack.”
2. Dion Carrier appeared before this Honorable Court on March 5, 2007 and entered a plea of guilty to three Counts of the Superseding Information charging use of a communication facility in furtherance of drug trafficking.
3. The Court ordered the preparation of a presentence report.

4. The 2006 edition of the United States Sentencing Guidelines Manual was used to calculate Dion Carrier's sentencing guideline range.
5. The presentence report provides that Dion Carrier was accountable for between 50 and 150 grams of cocaine base.
6. The presentence report listed the base offense level as 32 because the crack level was higher than the career offender level. The offense level was reduced by three levels for acceptance of responsibility. This resulted in a final offense level of 29.
7. Dion Carrier was assigned a criminal history category of VI for being a career offender.
8. Dion Carrier's sentencing guideline range was 151 - 188 months.
9. After awarding credit for acceptance of responsibility, the court adopted the findings of the presentence report.
10. On May 23, 2007, this Honorable Court sentenced Dion Carrier to a term of imprisonment of 144 months. This represented a maximum sentence of 48 months on all three counts run consecutively.
11. Dion Carrier is serving this sentence at FCI Bennettsville.
12. Dion Carrier's projected release date is August 21, 2016.

13. On November 1, 2007, the United States Sentencing Commission amended the Drug Quantity Table and reduced the offense level for an offense involving at least 50 grams but less than 150 grams of cocaine base by 2 levels to a level 30. (Amendment 706).

14. On December 12, 2007, the United States Sentencing Commission announced its decision to apply the amendments to the crack guidelines retroactively effective March 3, 2008 and listed Amendment 706 in the new U.S.S.G. § 1B1.10 (c).

15. Pursuant to 18 U.S.C. § 3582(c)(2), “in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission . . . upon motion of the defendant . . . the court may reduce the term of imprisonment, after considering the factors set forth in section 3553(a) to the extent that they are applicable, . . . .”

16. Under the retroactive application of the amendment to the sentencing guidelines, Dion Carrier’s base offense level is 30 and, with a 3 level reduction for the acceptance of responsibility, the total offense level is 27.

17. An offense level of 27 and a criminal history category of VI results in a now advisory guideline imprisonment range of 130 to 162 months.

18. Dion Carrier would now be entitled to consideration of a sentence less than 144 months and requests a sentence of 130 months.

19. Because Dion Carrier had been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission, he moves this Honorable Court to reduce the term of imprisonment in accordance with 18 U.S.C. § 3582(c)(2).

20. Defense counsel has communicated with Acting United States Attorney Martin C. Carlson who indicated that he would be filing a separate response .

WHEREFORE, it is respectfully requested that this Honorable Court grant the foregoing Motion for Relief Under 18 U.S.C. § 3582(c).

Respectfully submitted,

Date: March 14, 2008

/s/ Thomas A. Thornton

THOMAS A. THORNTON, ESQUIRE

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Attorney for Dion Carrier

**CERTIFICATE OF SERVICE**

I, Thomas A. Thornton, Federal Public Defender for the Middle District of Pennsylvania, do hereby certify that I served a copy of the foregoing **MOTION FOR RELIEF UNDER 18 U.S.C. § 3582(c)(2)**, via Electronic Case Filing, or by placing a copy in the United States mail, first class in Harrisburg, Pennsylvania, addressed to the following:

Martin C. Carlson, Esquire  
Acting United States Attorney

[REDACTED]  
[REDACTED]  
[REDACTED]

William A. Behe, Esquire  
Asst. United States Attorney

[REDACTED]  
[REDACTED]  
[REDACTED]

Drew Thompson  
United States Probation Office

[REDACTED]  
[REDACTED]  
[REDACTED]

Dion Carrier

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Date: March 14, 2008

/s/ Thomas A. Thornton

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